



ORDINANCE NUMBER 2822

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY REPEALING ORDINANCE NUMBER 2770 AND BY GRANTING A SPECIFIC USE PERMIT TO ALLOW AN 18-FOOT EXTENSION TO AN EXISTING 90-FOOT TALL MONOPOLE TOWER, COLLOCATION OF TWELVE ADDITIONAL CELLULAR ANTENNA PANELS TO BE MOUNTED AT A HEIGHT OF 99 FEET ON THE TOWER AND A 230 SQUARE-FOOT EQUIPMENT SHELTER AT THE BASE OF THE TOWER LOCATED ON AN APPROXIMATELY 1.03-ACRE TRACT AT 14400 JOSEY LANE, WITHIN THE LOCAL RETAIL-2 ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit for an 18-foot extension to an existing 90-foot tall monopole tower, collocation of twelve additional cellular antenna panels to be mounted at a height of 99 feet on the tower (see Exhibit "A") and a 230 square-foot equipment shelter in a 520 square foot lease area at the base of the tower (see Exhibit "B") located on an approximately 1.03 acre tract at 14400 Josey Lane (see Exhibit "C") within the Local Retail-2 zoning district.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a Specific Use Permit for collocation of an 18-foot extension to an existing 90-foot tall monopole tower, collocation of twelve additional cellular antenna panels to be mounted at a height of 99 feet on the tower and a 230 square-foot equipment shelter at the base of the tower, situated in accordance with the lease areas (Exhibit "A" and Exhibit "B") and the approved site plan attached as Exhibit "D" and subject to the following conditions:

1. Before utility release for operation of the proposed antenna installation, the landscaping materials and irrigation system shall be installed in accordance with the landscape plan and the improvements inspected by staff.

2. The owners of the existing monopole, attached antenna systems, equipment cabinets, and all associated appurtenances, at such time that any of those items become obsolete and/or abandoned, shall remove said items within ninety days of receipt of written notice from the City.

SECTION 4. That Ordinance Number 2770 is hereby repealed.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

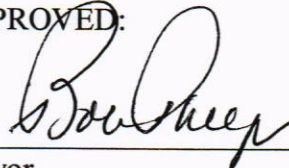
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

SECTION 7. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 11th day of July, 2005.

APPROVED:



Mayor

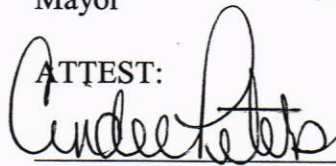
APPROVED AS TO FORM:



City Attorney

(Reviewed by Atty. S. Lowry, 6/28/05)

ATTEST:



City Secretary

Lying and situated in the City of Farmers Branch, Dallas County, Texas, the John Nix Survey, Abstract No. 1088, and being part of that certain tract of land described as "1.03 acres" in a deed to Texas Power & Light Co. recorded in Volume 367, Page 472, Deed Records Dallas County, Texas, and being more particularly described as follows;

COMMENCING at the intersection of the north right of way line of Hollendale Road (50 feet wide) and the east right of way line of Josey Lane (100 feet wide) from which a 5/8 inch iron rod found bears S 89°57'15" E 623.86 feet;

THENCE S 89°57'15" E along the north line of Hollendale Road 195.97 feet,
THENCE N 00°14'25" E 43.07 feet to the POINT of BEGINNING;

THENCE N 00°14'25" E a distance of 14.00 feet;
THENCE S 89°45'35" E a distance of 20.00 feet;
THENCE S 00°14'25" W a distance of 14.00 feet;
THENCE N 89°45'35" W a distance of 20.00 feet to the Point of Beginning and containing 280 square feet of land.

Exhibit "A" (Tower Lease Area)
(Page 1 of 1)

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>

LEASE AREA

Being a 0.0138 acre tract of land situated in the John Nix Survey, Abstract No. 1088, City of Farmers Branch, Dallas County, Texas and being a portion of a 1.03 acre tract conveyed from G. M. Pointer, to Texas Power & Light Company, a corporation, according to the Warranty Deed recorded in Document 2985, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follow:

COMMENCING at southeast corner of said 1.03 acre tract, being in the north right-of-way line of Hollandale Lane (a 50.00 foot wide R.O.W.), same point being the southwest corner of a 0.689 acre tract conveyed from Charles E. Gross, III, to Texas Power & Light Company by that Warranty Deed recorded in Document 3684, Deed Records, Dallas County, Texas.

THENCE (L1) South 89 degrees 09 minutes 48 seconds West, along the north right-of-way line of said Hollandale Lane, same being the south line of said 1.03 acre tract, a distance of 40.18 feet to a point;

THENCE departing the north right-of-way line of said Hollandale Lane, and through the interior of said 1.03 acre tract, the following four (4) courses:

1. (L2) North 00 degrees 50 minutes 12 seconds West, a distance of 44.73 feet to a 5/8 inch iron rod set at the southeast corner of the herein described lease area for THE POINT OF BEGINNING hereof;
2. (L3) South 89 degrees 09 minutes 48 seconds West, a distance of 26.00 feet to a 5/8 inch iron rod set at the southwest corner of the herein described lease area;
3. (L4) North 00 degrees 50 minutes 12 seconds West, a distance of 20.00 feet to a 5/8 inch iron rod set at the northwest corner of the herein described lease area;
4. (L5) North 89 degrees 09 minutes 48 seconds East, a distance of 26.00 feet to a 5/8 inch iron rod set at the northeast corner of the herein described lease area;
5. (L6) South 00 degrees 50 minutes 12 seconds East, a distance of 20.00 feet to THE POINT OF BEGINNING hereof, and containing 520 square feet or 0.0119 acre of land more or less.

Exhibit "B" (Shelter Lease Area)
(Page 1 of 1)

Being a tract of land situated in the John Nix Survey, Abstract No. 1088, City of Farmers Branch, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Josey Lane, (a 100' R.O.W.), said point being S 01° 04' W, a distance of 300.03 feet from the southwest corner of a Wade Fyke 10.00 acre tract conveyed to the Carrollton Independent School District, and iron stake for a corner;

THENCE S 89° 39' E, leaving said Josey Lane East line and proceeding a distance of 300.00 feet to an iron stake for a corner;

THENCE S 01° 04' W, a distance of 150.00 feet to an iron stake for a corner;

THENCE N 89° 39' W, a distance of 300.00 feet to an iron stake for a corner;

THENCE N 01° 04' E, proceeding along said Josey Lane East line and said fence line a distance of 150.00 feet to the Point of Beginning and containing 1.03 acres of land.

NOTE: THE ABOVE PROPERTY DESCRIPTION IS SHOWN SUBSTANTIALLY AS IT APPEARS IN THE DEED TO TEXAS POWER & LIGHT CO. RECORDED IN VOL. 367 PG.472 D.R.D.C.T.

Exhibit "C" (Subject Property Legal Description)
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NEXTTEL

NEXTTEL OF TEXAS, INC.

SHELTER MANUFACTURER

TEXAS I.D. NUMBER
(IHB APPROVAL #)

UNMANNED FACILITY

SITE NUMBER
TX0568A

SITE NAME
JOSEY/VALLEY VIEW

NOTE: WATER IS NOT REQUIRED

AREA MAP
NOT TO SCALE

SITE # TX0568A JOSEY/VALLEY VIEW

14400 JOSEY LN.
FARMERS BRANCH, TEXAS 75234

NEXTTEL
NEXTTEL OF TEXAS, INC.
1600 N. PROSPECT DR.
RICHARDSON, TX 75081
PHONE: (214) 570-5400
FAX: (214) 570-5401

J.O.M. Consulting, Inc.
CONSULTING ENGINEERS
1613 TANTOR RD.
DALLAS, TX 75229
(972) 556-1026

PROJECT SUMMARY

SITE INFORMATION	LANDLORD	APPLICANT
JURISDICTION: N/A	NAME: VERIZON	NAME: NEXTTEL OF TEXAS, INC.
OCCUPANCY: N/A	ADDRESS: 3832 GRANBURY DR., DALLAS, TEXAS 75287	ADDRESS: 1600 N. PROSPECT DR., RICHARDSON, TEXAS 75081
ZONING: N/A	CONTACT: JOE HUTCHISON	CONTACT: RANDY EMERSON
CONSTRUCTION TYPE:	PHONE: 972-768-9428	PHONE: (214) 570-5400
	FAX: 972-862-2405	FAX: (214) 570-5401

CONSULTANTS

PRIME CONSULTANT	CIVIL ENGINEER	STRUCTURAL ENGINEER
J.O.M. CONSULTING, INC.	J.O.M. CONSULTING, INC.	J.O.M. CONSULTING, INC.
1613 TANTOR RD.	1613 TANTOR RD.	1613 TANTOR RD.
DALLAS, TX 75229	DALLAS, TX 75229	DALLAS, TX 75229
(214) 556-1026	(972) 556-1026	(972) 556-1026
(214) 556-1027 FAX	(972) 556-1027 FAX	(972) 556-1027 FAX

SHEET INDEX

SHEET NO.	DESCRIPTION
T-1	TITLE SHEET / INDEX
C-1	SITE PLAN
C-2	ELEVATIONS AND GENERAL NOTES
C-3	DETAILS
C-4	OUTLINE SPECIFICATIONS
C-5	STRUCTURAL FOUNDATION PLAN & SECTIONS
E-1	UTILITIES SITE PLAN/GEN. NOTES/DETAILS
E-2	GEN. NOTES/LEGEND/DETAILS/PLAN
E-3	ELECTRICAL GROUNDING DETAILS
SV-1	SURVEY
SV-2	PARENT TRACT

APPROVALS

LANDLORD	RF	LEGAL

VICINITY MAP

DIRECTIONS TO SITE

635 TO JOSEY NORTH TO HOLLANDALE THEN EAST. SITE IS BEHIND THE ONCOR BUILDING AT THE CORNER OF HOLLANDALE AND JOSEY.

ONE CALL

CONTRACTOR TO CALL
TWO WORKING DAYS
BEFORE DIGGING
PHONE: (800) 344-8377
PHONE: (800) DIG-TESS

UTILITIES

ELECTRICAL SERVICE	TELEPHONE SERVICE
CO. NAME: ONCOR	CO. NAME: SBC
CONTACT: OPS CENTER	CONTACT: OPS CENTER
PHONE: 800-368-1398	PHONE: 800-499-7928

Exhibit "D" (Associated site plan)
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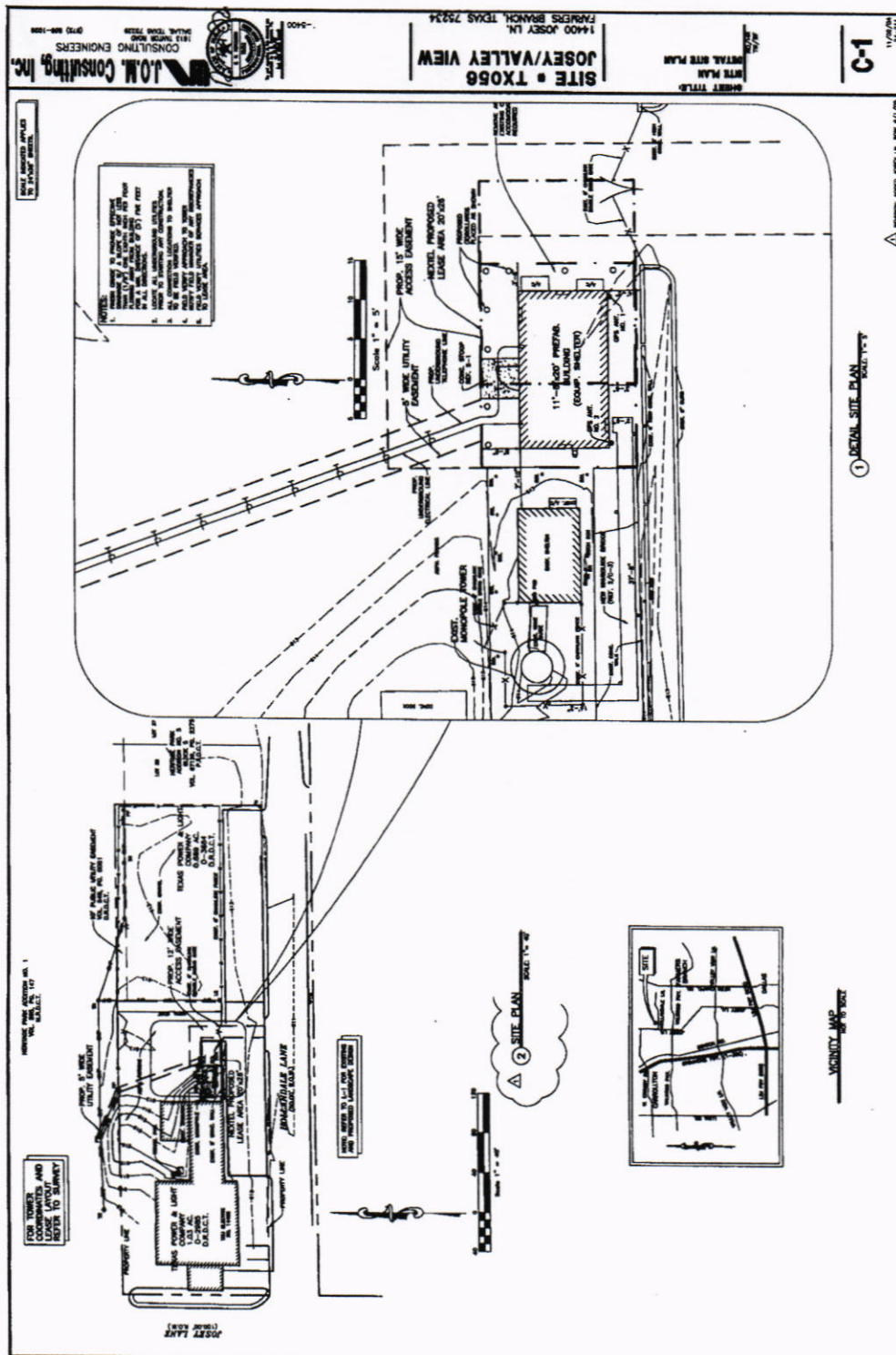


Exhibit "D" (Associated site plan)
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